

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT T. BROCKMAN,

Defendant.

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Cr. No. 4:21cr 009 GCH

**AGREED PROPOSED ORDER
DESIGNATING THE UNITED STATES' EXPERTS
AND ENTRY OF PROTECTIVE ORDER**

Having considered the United States' Expert Notice ("Notice") (ECF No. 44), Mr. Brockman's Response to the Notice and Motion for Protective Order (ECF No. 45), and the United States' Partial Opposition to Defendant's Motion (ECF No. 46), it is hereby **ORDERED** that Dr. Park Dietz, Dr. Robert Denney, and Dr. Ryan Darby are designated as the United States' experts to conduct the court-ordered psychiatric or psychological examination of ROBERT T. BROCKMAN pursuant to Title 18, United States Code, sections 4241(b) and 4247(b).

It is **ORDERED** that any psychiatric or psychological interview of Mr. Brockman by the United States' designated experts shall be recorded by audio and video means with cameras positioned to face both the examiner and Mr. Brockman. In addition to any psychiatric or psychological interviews conducted by Dr. Dietz or Dr. Denney, the parties agree that the neurological examination of Mr. Brockman by Dr. Darby will also be video recorded. Counsel for Mr. Brockman have agreed to make their offices available for Dr. Darby's neurological examination, and have agreed that he may be accompanied by representatives of the United States.

It is **ORDERED** that during the interviews and examinations of Mr. Brockman, recorded

and non-recorded, no other parties shall be present during the interviews and examinations other than the medical expert(s) and Mr. Brockman. Copies of the audio and video recording(s) shall be provided promptly to counsel for Defendant and the United States.

IT IS FURTHER ORDERED that Defendant's proposed protective order is **GRANTED**.

This Court having ordered an examination of ROBERT T. BROCKMAN and a hearing to determine the mental competency of the defendant pursuant to 18 U.S.C. § 4241 and Federal Rule of Criminal Procedure 12.2(c)(1)(A)(the "Competency Proceeding"):

- (a) no statement of the defendant during such examination and no testimony of defendant during such hearing (collectively, "Defendant's Statements") may be used directly or indirectly by the government except in this Competency Proceeding and except as otherwise permitted by this Order; and
- (b) if at any other hearing or the trial of this matter, or any other proceeding, the defendant has introduced evidence of incompetency on an issue regarding mental condition, the government may apply to the Court to use Defendant's Statements by way of an offer into evidence, by cross examination based on prior inconsistent statements, or otherwise as may be appropriate under the Federal Rules of Evidence and other law.

SO ORDERED this ____ day of _____, 2021.

THE HONORABLE GEORGE C. HANKS
UNITED STATES DISTRICT JUDGE